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In re Application of
Fromreide et al.
Serial No.: 10/564,035
PCT No.: PCT/NO02/00236
Int. Filing Date: 27 June 2002
Priority Date: 28 June 2001
Attorney's Docket No.: 115852
For: AIR CLEANING DEVICE I

DECISION ON
PETITION
UNDER 37 CFR 1.137(b)

This decision is responsive to the "PETITION FOR REVIVAL OF AN APPLICATION ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)" filed 23 May 2005.

BACKGROUND

On 27 June 2002, applicants filed international application PCT/NO02/00236, which claimed priority of an earlier Norwegian application filed 28 June 2001. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 09 January 2003. Accordingly, the thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 29 December 2003 (28 December 2003 being a Sunday).

On filing of the application, applicant provided an authorization to charge the fees to the deposit account. On 08 December 2004, when the United States Patent and Trademark Office attempted to charge the Basic National Fee, there were insufficient funds in the deposit account.

On 25 May 2005, applicant filed the current petition.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional delay must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied (1) by a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was

unintentional,” (2) by a proper reply, (3) by the petition fee required by law (37 CFR 1.17(m)), and (4) if the international filing date of the application is before June 8, 1995, any petition to revive under 37 CFR 1.137(b) must be accompanied by a terminal disclaimer and small entity fee of \$55

With respect to element (1), applicants have provided the required statement. With respect to element (2), applicants provided a proper response in that applicants provided authorization to charge the deposit account to pay the basic national fee on 23 May 2005. With respect to element (3) applicants paid the petition fee on 23 May 2005. Therefore, the petition to revive is GRANTED.

CONCLUSION

The petition to revive the application abandoned under 35 U.S.C. 371(d) is **GRANTED** as to the National Stage in the United States of America.

This application is being forwarded to the national stage office for preparation of a “NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495” (Form PCT/DO/EO/903) showing a 35 U.S.C. 371 date of **23 February 2005**.



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